

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
SOUTHERN DIVISION

APR 23 2003

UNITED STATES OF AMERICA

Plaintiff,

v

WAL-MART STORES, INC.,

Defendant.

AT GAEBELT
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
DEPUTY

BY

BY

Case No. PJM 01-1521

Judge Messitte

FILED
LODGED
ENTERED
RECEIVED

APR 23 2003

AT GAEBELT
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
DEPUTY

STIPULATED JUDGMENT AND ORDER

Plaintiff, the United States of America, acting upon notification and authorization to the Attorney General by the Consumer Product Safety Commission ("CPSC" or the "Commission"), commenced this action by filing the Complaint herein, and Wal-Mart Stores, Inc. ("Wal-Mart"), was served with the summons and the complaint. The parties, represented by the attorneys whose names appear hereafter, have agreed to settlement of this action without adjudication of any issue of fact or law, and without Wal-Mart admitting to any contested issues of fact or to liability for any of the violations alleged in the Complaint.

THEREFORE, on the joint motion of United States and Wal-Mart, it is hereby ORDERED, ADJUDGED AND DECREED as follows

FINDINGS

- 1 This Court has jurisdiction over the subject matter and the parties pursuant to 28 U.S.C. §§ 1331, 1345 and 1355
2. Venue in this matter is proper in the District of Maryland.

3. The Complaint states a claim upon which relief may be granted against Wal-Mart, under Sections 15(b), 19(a) and 20(a) of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. §§ 2064(b), 2068(a), 2069(a).

4. Wal-Mart has entered into this Stipulated Judgment and Order ("Order") freely and without coercion. Wal-Mart further acknowledges that it has read the provisions of this Order and is prepared to abide by them.

5. Plaintiff and Wal-Mart hereby waive all rights to appeal or otherwise challenge or contest the validity of this Order.

6. Entry of this Order is in the public interest.

ORDER

I. COMPLIANCE WITH SECTION 15(b) OF THE CPSA

IT IS ORDERED, ADJUDGED AND DECREED that Wal-Mart shall establish and maintain internal recordkeeping and monitoring systems designed to assure its compliance with the requirements of 15 U.S.C. § 2064(b).

II. CIVIL PENALTY

IT IS FURTHER ORDERED that judgment in the amount of Seven Hundred and Fifty Thousand Dollars (\$750,000.00) is hereby entered against Wal-Mart as a civil penalty, pursuant to Section 20 of the Consumer Product Safety Act, 15 U.S.C. § 2069.

A. Within ten (10) days after the entry of this Order by the Court, Wal-Mart shall transfer the civil penalty payment in the form of a wire transfer made payable to the Treasurer of the United States in accordance with the instructions provided by the Office of Consumer

Litigation, Civil Division, U.S. Department of Justice, Washington, DC 20530 (Contact Ken Maddox, (202) 307-0092, for instructions).

B. In the event of default on the payment required to be made by this Paragraph, Plaintiff shall be authorized to pursue any lawful means of collection of that sum, with or without further authorization from the Court. Wal-Mart agrees that, in such event, the facts as alleged in the Complaint filed in this action shall be taken as true in any subsequent litigation filed by Plaintiff or the Commission to enforce their rights pursuant to this Order, including but not limited to a nondischargeability complaint in any subsequent bankruptcy proceeding.

III. FEES AND COSTS

IT IS FURTHER ORDERED that each party to this Order hereby agrees to bear its own costs and attorneys' fees incurred in connection with this action

IV. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for the purpose of enabling the parties to apply to the Court at any time for such further orders and directives as may be necessary or appropriate for the interpretation or modification of this Order, or for the enforcement of compliance therewith.


V. COMPLETE SETTLEMENT

The parties, by their respective counsel, hereby consent to entry of the foregoing Order which shall constitute a final judgment and order in this matter with respect to Wal-Mart. The parties further stipulate and agree that the entry of the foregoing Order shall constitute a full, complete and final settlement of this action with respect to Wal-Mart.

Respectfully submitted,

FOR THE DEFENDANT:


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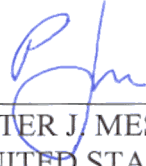
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SO ORDERED this 22 day of April, 2003.



PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE